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# 8  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RISTIC, et al.  
SERIAL NO : 09/810,764  
FILED : March 16, 2001  
TITLE : MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION  
FACTORS AND METHODS OF USE FOR SAME  
Grp./A.U. : 1646  
Conf. No. : 7108  
Docket No. : P03965US1

TRANSMITTAL  
FOR REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. § 1.47(a)

To the Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Dear Madam:

In response to the Office of Petitions Action dated March 18, 2002, entitled "Decision Granting Petition Under 37 CFR § 1.78(a)(6) and Refusing Status Under 37 CFR § 1.47 (a)" are the following documents being submitted to the Patent Office:

- (1) A Response to Notice of Missing Parts:
  - (a) A copy of the Notice to File Missing Parts of Application,
  - (b) Declaration Not Accompanying Application, signed and dated by the inventors:
    - Zoran Ristic, dated May 15, 2002
    - Shailendra K. Bhadula, dated May 15, 2002
    - Genping Yang (unsigned -- see #2 below)
    - Thomas E. Elthon, dated May 17, 2002
    - Jeffrey E. Habben, dated May 16, 2002

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JUN 28 2002

OFFICE OF PETITIONS

06/27/2002 AWONDAF1 00000118 09810764

01 FC:105 130.00 OP

06/27/2002 AWONDAF1 00000118 09810764

02 FC:122 130.00 OP

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on this 18 day of June, 2002.

Heidi S. Nebel

(c) Declaration for Signature by Joint Inventors on Behalf of Nonsigning Inventor Who Cannot Be Reached (37 CFR § 1.47(a)), signed and dated by the joint inventors:

Zoran Ristic, dated May 15, 2002

Shailendra K. Bhadula, dated May 14, 2002

Thomas E. Elthon, dated May 14, 2002

Jeffrey E. Habben, dated May 16, 2002

(d) A \$130 surcharge for late filing of oath or declaration under 37 CFR § 1.16(e).

(2) Request For Reconsideration of Petition Under 37 CFR § 1.47(a) To Accept Filing On Behalf of Nonsigning Inventor, with the following attachments:

(a) A copy of the Decision Granting Petition Under 37 CFR § 1.78(a)(6) and Refusing Status Under 37 CFR § 1.47(a);

(b) Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37 CFR § 1.47):

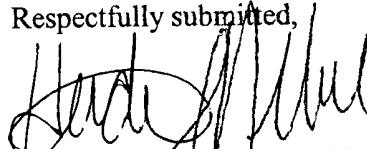
(i) Statement of Facts by Patricia E. Wilson WITH Exhibits 1-8;

(ii) Statement of Facts by Lila A.T. Akrad WITH Exhibits A-B.

(c) \$130 petition fee under 37 CFR § 1.17(i).

If any additional fees are needed, please charge Deposit Account No. 26-0084.

Respectfully submitted,

  
Heidi S. Nebel, Reg. No. 37,719

McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, Iowa 50309-2721

Phone No. (515) 288-3667

Fax No. (515) 288-1338

**CUSTOMER NO: 27142**

Attorneys of Record

- LA/sk -



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/810,764         | 03/16/2001          | Zoran Ristic          | P03965US1              |

CONFIRMATION NO. 7108

FORMALITIES LETTER



\*OC000000006033067\*

27142  
ZARLEY, MCKEE, THOMTE, VOORHEES & SEASE  
ATTN: PIONEER HI-BRED  
801 GRAND AVENUE, SUITE 3200  
DES MOINES, IA 50309-2721

Date Mailed: 05/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR.1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

06/27/2002 AWONDAF1 00000118 09810764


01 FC:105

130.00 OP

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 370.00

## Complete if Known

|                      |                |
|----------------------|----------------|
| Application Number   | 09/810,764     |
| Filing Date          | March 16, 2001 |
| First Named Inventor | Ristic, M.     |
| Examiner Name        | Flanagan, B.   |
| Group Art Unit       | 1646           |
| Attorney Docket No.  | P03965US1      |

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 26-0084  
Deposit Account Name: McKee, Voorhees & Sease, P.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 101          | 740      | 201          | 370      | Utility filing fee     |          |
| 106          | 330      | 206          | 165      | Design filing fee      |          |
| 107          | 510      | 207          | 255      | Plant filing fee       |          |
| 108          | 740      | 208          | 370      | Reissue filing fee     |          |
| 114          | 160      | 214          | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims -20\*\* =  X  =   
Independent Claims -3\*\* =  X  =   
Multiple Dependent  =

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                     |
| 102          | 84       | 202          | 42       | Independent claims in excess of 3                          |
| 104          | 280      | 204          | 140      | Multiple dependent claim, if not paid                      |
| 109          | 84       | 209          | 42       | ** Reissue independent claims over original patent         |
| 110          | 18       | 210          | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code  | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|---|----------|----------|----------|--|----------|
| 105   | 130      | 205      | 65       | Surcharge - late filing fee or oath  | 130      |
| 127   | 50       | 227      | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139   | 130      | 139      | 130      | Non-English specification  |          |
| 147   | 2,520    | 147      | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112   | 920*     | 112      | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113   | 1,840*   | 113      | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115   | 110      | 215      | 55       | Extension for reply within first month                                     | 110      |
| 116   | 400      | 216      | 200      | Extension for reply within second month                                    |          |
| 117   | 920      | 217      | 460      | Extension for reply within third month                                     |          |
| 118   | 1,440    | 218      | 720      | Extension for reply within fourth month                                    |          |
| 128   | 1,960    | 228      | 980      | Extension for reply within fifth month                                     |          |
| 119   | 320      | 219      | 160      | Notice of Appeal   |          |
| 120   | 320      | 220      | 160      | Filing a brief in support of an appeal                                     |          |
| 121   | 280      | 221      | 140      | Request for oral hearing   |          |
| 138   | 1,510    | 138      | 1,510    | Petition to institute a public use proceeding                              |          |
| 140   | 110      | 240      | 55       | Petition to revive - unavoidable   |          |
| 141   | 1,280    | 241      | 640      | Petition to revive - unintentional   |          |
| 142   | 1,280    | 242      | 640      | Utility issue fee (or reissue)   |          |
| 143   | 460      | 243      | 230      | Design issue fee   |          |
| 144   | 620      | 244      | 310      | Plant issue fee  |          |
| 122   | 130      | 122      | 130      | Petitions to the Commissioner  |          |
| 123   | 50       | 123      | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 126   | 180      | 126      | 180      | Submission of Information Disclosure Stmt                                  |          |
| 581   | 40       | 581      | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146   | 740      | 246      | 370      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149   | 740      | 249      | 370      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179   | 740      | 279      | 370      | Request for Continued Examination (RCE)                                    |          |
| 169   | 900      | 169      | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) Petition Fee Under 37 CFR 1.17(i) |          |          |          |  | 130      |

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 370

## SUBMITTED BY

|                   |                |                                   |           |           |                |
|-------------------|----------------|-----------------------------------|-----------|-----------|----------------|
| Name (Print/Type) | Heidi S. Nebel | Registration No. (Attorney/Agent) | 37,719    | Telephone | (515) 288-3667 |
| Signature         |                | Date                              | 6/18/2002 |           |                |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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# MCKEE, VOORHEES & SEASE, LLC



Email: akrad@ipmvs.com  
April 25, 2002

BRUCE W. MCKEE\*  
MICHAEL G. VOORHEES\*  
EDMUND J. SEASE\*  
MARK D. HANSING\*  
KIRK M. HARTUNG\*  
HEIDI S. NEBEL\*  
WENDY K. MARSH\*  
JEFFREY D. HARTY\*  
RONALD M. SOTAK\*  
R. SCOTT JOHNSON\*  
MATTHEW M. CATLETT\*\*  
JOHN D. GOODHUE\*

\*PATENT LAWYERS  
\*ADMITTED IN NEBRASKA  
AND D.C. ONLY

VIA FACSIMILE  
(605) 677-6630

Human Resources Dept.  
University of South Dakota  
414 East Clark Street  
Vermillion, SD 57069

Re: Most Recent Home Address

To Whom It May Concern:

Our firm is representing Dr. Zoran Ristic at the University of South Dakota, Biology Department. We are writing regarding the last known home address of Dr. Genping Yang who worked in Dr. Ristic's laboratory from May 1, 1995 to April 30, 1997. Dr. Ristic has checked his records and does not have the last known home address of Dr. Yang. Dr. Ristic has asked us to contact you to obtain the information. It would be greatly appreciated if you could please fax the information back to me at your earliest convenience.

Thank you for your time.

Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,

LILA A. T. AKRAD, on behalf of  
HEIDI S. NEBEL

LA/jc

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JUN 28 2002

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MVS

ATTORNEYS AT LAW • WWW.IPMVS.COM  
801 GRAND AVENUE • SUITE 3200 • DES MOINES, IOWA 50309-2721 • 515-288-3667 • FAX 515-288-1338

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

|                |             |             |
|----------------|-------------|-------------|
| TX/RX NO       | 0602        |             |
| CONNECTION TEL |             | 16056776630 |
| SUBADDRESS     |             |             |
| CONNECTION ID  |             |             |
| ST. TIME       | 04/25 12:52 |             |
| USAGE T        | 00'53       |             |
| PGS.           | 2           |             |
| RESULT         | OK          |             |

## Facsimile Cover Sheet

**To:** Attn: Human Resources  
**Company:** University of South Dakota  
**Phone:** 605-677-5011  
**Fax:** 605-677-6630

**From:** Lila A.T. Akrad, on behalf of  
Heidi S. Nebel  
**Company:** MCKEE, VOORHEES & SEASE  
**e-mail:** akrad@ipmvs.com  
**Phone:** 515-288-3667  
**Fax:** 515-288-1338

**Date:** April 25, 2002

**Pages including this  
cover page:** 2

**Comments:**

**Please see attached letter.**

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# Facsimile Cover Sheet

**To:** Attn: Human Resources  
**Company:** University of South Dakota  
**Phone:** 605-677-5011  
**Fax:** 605-677-6630

**From:** Lila A.T. Akrad, on behalf of  
Heidi S. Nebel  
**Company:** MCKEE, VOORHEES & SEASE  
**e-mail:** akrad@ipmvs.com  
**Phone:** 515-288-3667  
**Fax:** 515-288-1338

**Date:** April 25, 2002

**Pages including this  
cover page:** 2

**Comments:**

**Please see attached letter.**

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